

Colombian Temporary Protected Status Act of 2003

S 986 IS

108th CONGRESS
1st Session
S. 986

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

IN THE SENATE OF THE UNITED STATES

May 5, 2003

Mr. REID introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Colombian Temporary Protected Status Act of 2003’.

SEC. 2. FINDINGS.

Congress finds that--

- (1) Colombia has been embroiled in a 38-year internal conflict, resulting in the death of tens of thousands of civilians and combatants;
- (2) the 2 main armed anti-government rebel groups, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, or FARC) and the National Liberation Army (Ejercito de Liberacion Nacional, or ELN), have engaged in military activities in 700

of 1,098 municipalities in Colombia, and in recent years have influenced local governments in as much as 40 percent to 50 percent of Colombian territory;

(3) the FARC and ELN not only attack police and military forces but also regularly attack civilian populations, commit massacres and extrajudicial killings, collect war taxes, compel citizens into their ranks, force farmers to grow illicit crops, and regulate travel, commerce, and other activities;

(4) paramilitary groups such as the United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia or AUC), originally established to protect rural landowners, have grown dramatically in recent years to become a major national military force in Colombia;

(5) paramilitary groups are responsible, according to human rights groups, for the greatest number of extrajudicial killings and forced disappearances in Colombia since 1995;

(6) the FARC, ELN, and AUC, all designated by the State Department as foreign terrorist organizations, have an estimated combined force of 25,000 combatants;

(7) the Government of Colombia, particularly during the administration of President Andres Pastrana, has afforded armed rebel groups numerous opportunities to negotiate a peace agreement, including the extraordinary step in November 1998 of creating a safe haven for the FARC by withdrawing its security forces from 5 municipalities covering some 16,000 to 17,000 square miles;

(8) despite having been given the opportunity to seek peace, the FARC instead used the safe haven to enhance its military capability to further its violent campaign against the government and people of Colombia;

(9) while President Pastrana and the Colombian government negotiated in good faith, the FARC proceeded to kidnap political officials;

(10) in February 2002, the FARC's actions forced President Pastrana to withdraw from the peace process and begin the process of retaking the safe zone he had previously ceded to the FARC and other rebel groups;

(11) after the election of Alvaro Uribe as Colombia's President, the FARC began targeting mayors with letters declaring that they had 24 hours to leave or would be considered 'military targets';

(12) although before the recent Presidential election the violence had been mostly contained in rural areas, it has now spread to the urban areas, with cities such as Medellin experiencing an average of 13 killings a day;

(13) an average of 2.8 rebel bombs go off every day in Colombia while bomb squads disarm another 5;

(14) the middle and upper classes have been targeted for kidnapping, with an average of 3,250 Colombians being kidnapped each year since 1998;

(15) between 1,500,000 and 2,000,000 people have been forced to leave their homes, representing the third largest internal refugee crisis in the world; and

(16) between 1,500 and 2,500 Colombians were massacred in contested rural areas in 2001.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that, in view of the recent escalation of the current civil war in Colombia, Colombia qualifies for designation under section 244(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(1)(A)), pursuant to which Colombian nationals would be eligible for temporary protected status in the United States.

SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEMPORARY PROTECTED STATUS TO COLOMBIANS.

(a) DESIGNATION-

(1) **IN GENERAL-** For purposes of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), Colombia shall be treated as if it had been designated under subsection (b) of that section, subject to the provisions of this section.

(2) **PERIOD OF DESIGNATION-** The initial period of such designation shall begin on the date of enactment of this Act and shall remain in effect for 1 year.

(b) **ALIENS ELIGIBLE-** In applying section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) pursuant to the designation made under this section, subject to section 244(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(3)), an alien who is a national of Colombia meets the requirements of section 244(c)(1) of that Act (8 U.S.C. 1254a(c)(1)) only if-

(1) the alien has been continuously physically present in the United States since the date of enactment of this Act;

(2) the alien is admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(A)), and is not ineligible for temporary protected status under section 244(c)(2)(B) of that Act (8 U.S.C. 1254a(c)(2)(B)); and

(3) the alien registers for temporary protected status in a manner that the Secretary of Homeland Security shall establish.

(c) **CONSENT TO TRAVEL ABROAD-** The Secretary of Homeland Security shall give the prior consent to travel abroad described in section 244(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien who is granted temporary protected status pursuant to the designation made under this section, if the alien establishes to the satisfaction of the Secretary of Homeland Security that emergency and extenuating circumstances beyond the control of the alien require the alien to depart for a brief, temporary trip abroad. An alien returning to the United States in accordance with such an authorization shall be treated the same as any other returning alien provided temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).